United Nations ST/IC/2004/39

Secretariat

9 September 2004

Information circular*

To: Members of the staff

From: The Assistant Secretary-General for Human Resources Management

Subject: **Procedures regarding citations for motor vehicle infractions**

1. The Secretariat has received from the United States Mission to the United Nations a note verbale dated 15 July 2004 in which it informs the Secretariat of the proper procedures to be followed regarding citations for motor vehicle infractions.

2. The text of the note verbale is set out in the annex to the present circular.

* The present circular will be in effect until further notice.

04-50558 (E) 140904

Annex

Note verbale dated 15 July 2004 from the United States Mission to the United Nations

The United States Mission to the United Nations presents its compliments to the permanent missions and observer offices to the United Nations and the United Nations Secretariat and has the honour to inform of the proper procedures to be followed regarding citations for motor vehicle infractions.

In accordance with international law, and without prejudice to properly accorded immunities, it is the obligation of the diplomatic community to respect and comply with laws and regulations of the United States. Traffic citations constitute notice that the recipient has not complied with local traffic laws and regulations. A fine is generally attached to the citation, payment of which is in accordance with the duty to comply with the law. Valid issuance of a traffic citation is not considered a violation of the immunities to which members of the permanent missions, some observer offices and certain officials of the United Nations may be entitled. In accordance with past practice, the United States Mission will not intervene with local jurisdictions to request dismissal of valid moving violations and all other non-parking citations. Prompt payment of all fines associated with such citations is expected.

If members of the missions or United Nations officials wish to contest the facts forming the basis for the issuance of a particular traffic citation, they should bring the matter to the attention of the United States Mission, which will provide appropriate guidance.

The United States Mission recommends that traffic citations incurred by members of the United Nations community be given immediate attention. Fines should be paid or contested within the time period mentioned in the citation.

Members of the diplomatic community who enjoy immunity will not be required to appear in judicial proceedings or otherwise to submit personally to the civil or administrative jurisdiction of the United States. Non-diplomatic personnel may, as in the past, be obliged to appear in judicial or administrative hearings to establish the facts in order to invoke an official acts immunity defence. Members of the diplomatic community are reminded, however, that immunity from jurisdiction does not imply that the United States is obliged to continue to honour the privilege to operate a motor vehicle if the privilege is demonstrably abused.

The United States Mission wishes to express its appreciation to the United Nations Secretariat and permanent missions and observer offices to the United Nations for their cooperation in the attempt to reduce traffic violations incurred by members of the diplomatic community.